

Office of the Standing Chapter 13 Trustee  
105 Decker Ct  
Suite 1150 11th Floor  
Irving, TX 75062  
(214) 855-9200

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**  
**GERALD WAYNE KOSSIE**  
**Debtor**

Case No: **14-35352-HDH-13**

Pre-Hearing: **August 30, 2018 at 8:30 am**

Hearing: **August 30, 2018 at 2:00 pm**

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**Trustee's Modification of Plan after Confirmation for Tax Refund**

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TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW Thomas D. Powers, Standing Chapter 13 Trustee**, to Modification of Plan after Confirmation For Tax Refund, and would respectfully show the following:

1. The Court has jurisdiction pursuant to 28 U.S.C. Section 157 (b)(2) and 11 U.S.C. Section 1329.
2. The Debtor filed this Chapter 13 case on November 3, 2014 and obtained confirmation on April 28, 2015. Confirmation was based on scheduled income and expenses.
3. Subsequently, the Trustee received the Debtor tax return for tax year 2017 listing a tax refund in the amount of \$5,288.00 . The refund constitutes disposable income.
4. The Trustee requests that the Court modify the Debtor Plan to allow the Trustee to apply \$3,288.00 of the refund to the Debtor Plan and raise the Debtor "Plan Base" by that amount to **\$121,436.77 (New Plan Base)**. The Trustee requests that the Debtor be required to pay the sum of \$3,288.00 within sixty (60) days of the date of the entry of the Order Approving Modified Plan.
6. **The modification would not change the dates or amounts of any payments becoming due under the Debtor's plan. Those payments would continue to become due as previously contemplated.**

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WHEREFORE, PREMISES CONSIDERED, the Trustee prays for an Order Approving Modified Plan as stated above, and for any other just and proper relief.

Respectfully submitted,

THOMAS D. POWERS, CHAPTER 13 TRUSTEE

Date: 7/18/2018

By: /s/ Thomas D. Powers  
Thomas D. Powers  
State Bar No. 16218700  
105 Decker Ct  
Suite 1150 11Th Floor  
Irving, TX 75062  
(214) 855-9200 / (214) 965-0757 (Fax)

**NOTICE OF HEARING**

TO THE DEBTOR AND DEBTOR'S ATTORNEY OF RECORD:

You are hereby notified of the filing of the foregoing "Trustee's Modification of Plan after Confirmation For Tax Refund" and "Notice of Hearing" for the reasons therein stated.

A Pre-Hearing Conference on the "Trustee's Motion" will be held on **8/30/2018** at 8:30 am by the Trustee at 105 Decker Court, Suite 120, 1st Floor, Irving, TX 75062. Any objections to the proposed Motion not resolved or defaulted at the Pre-Hearing Conference will be heard by the Court at 2:00 pm on **8/30/2018** at 1100 Commerce Street, 14th Floor, Dallas, TX 75242. Parties are not required to attend the Pre-Hearing Conference unless they object to the Motion.

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET, DALLAS, TEXAS 75242, BEFORE THE CLOSE OF BUSINESS ON August 11, 2018, WHICH IS TWENTY FOUR (24) DAYS FROM THE DATE OF SERVICE HERE OF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

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**Certificate of Service**

I hereby certify that a copy of the foregoing "Trustee's Modification of Plan after Confirmation For Tax Refund" was served on the Debtor and Debtor's Counsel and on the other parties by United States First Class Mail or by electronic service.

Debtor: Gerald Wayne Kossie, 635 Camden Ct, Lancaster, Tx 75146  
Attorney: Leinart Law Firm, 11520 N Central Expressway, Suite 212, Dallas, Tx 75243\*\*  
Notice Creditor(s): Barrett Daffin Frappier Et Al, 15000 Surveyor Blvd Suite 100, Addison, Tx 75001\*\*  
County Of Dallas, Co Linebarger Goggan Blair Et Al, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207\*\*  
Shapiro Schwartz Et Al Llp, 13105 Northwest Fwy Ste 1200, Houston, Tx 77040\*\*

\*\*Indicates party has elected to receive all notifications via electronic service and was not served a copy via United States First Class Mail.

Date: 7/18/2018

/s/ Thomas D. Powers

Thomas D. Powers, Trustee